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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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PROSECUTORS REACH TWO SETTLEMENTS WORTH \$650,000 WITH WAL-MART AND WALGREENS FOR ILLEGAL SALES OF *ABENERGIZER* ABDOMINAL MUSCLE STIMULATORS

San Diego, CA: In another victory for consumers, Wal-Mart will pay \$525,000 and WalGreens will pay \$125,000 to settle consumer protection prosecutions brought against each of these major retailers for their sales of the illegal AbEnergizer Abdominal Muscle Stimulators. The cases, brought by the Napa County District Attorney, Solano County District Attorney, and the San Diego City Attorney, are intended to send a message to all retailers that simply relying on the (mis)representations of product distributors will not cut off a retailer's liability.

The Prosecutors alleged that each retailer illegally sold the AbEnergizer, a misbranded and unapproved medical device that allegedly stimulated the users' muscles by sending electric current into the users' body. The retailers also helped promote the deceptive advertising claims on the Abenergizer packaging by placing the AbEnergizer boxes on their shelves for sale.

For Wal-Mart's part in shipping over 17,000 AbEnergizer stimulators in California, the company must now pay \$240,000 in penalties, \$59,000 for costs, and \$226,000 in restitution for victims. WalGreen's, who sold fewer AbEnergizer units, is ordered to pay \$80,000 in victim restitution and \$45,000 in costs. Each retailer is also now under a court-ordered prohibition from ever selling any similar device without first getting approval which is required by the FDA or California's Department of Health Services, Food & Drug Branch (FDB). These cases were brought thanks to cooperative efforts between the Federal Trade Commission, FDB, Napa County District Attorney, Solano County District Attorney, and the San Diego City Attorney.

Within two months, the Prosecutors expect to hold a press conference announcing the details of another related prosecution, along with details of how consumers can obtain restitution.

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